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July 22, 2019

VIA ECF

Judge John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Eastern Profit Corporation Limited v. Strategic Vision US LLC*,
Civil Action No. 18-CV-2185 (JGK)

Dear Judge Koeltl,

Pursuant to Your Honor's Individual Rules of Practice, plaintiff Eastern Profit Corporation Limited ("Eastern") hereby respectfully requests a pre-motion conference to discuss a proposed motion to strike Strategic Vision U.S. LLC's ("Strategic Vision") counterclaim filed on July 18, 2019 (the "Counterclaim"). Dkt. No. 114.

Rule 8(a)(2) requires that "[a] pleading that states a claim for relief must contain a short and plain statement of the claim showing that the pleader is entitled to relief. Rule 12(f) provides that a "court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."

Strategic Vision's 34-page Counterclaim is largely a polemic against Mr. Guo Wengui ("Guo") posing as a pleading. While Guo was previously dismissed from this case by an Order dated May 13, 2019 (Dkt. No. 97) and Strategic Vision no longer asserts any claims against Guo, the Counterclaim is littered with extensive, irrelevant and impertinent allegations concerning Guo. See e.g. Counterclaim, ¶¶ 11-13, 15, 16, 48-88.¹ These allegations have virtually nothing to do with the dispute between the actual parties and generally seek to paint Guo as a spy for the Chinese Communist government who has allegedly lied about his past.

The apparent goal of the Counterclaim was to inflict public harm and embarrassment upon Mr. Guo. Indeed, the Wall Street Journal ran an article at 1:07 PM ET on July 22, 2019 entitled "Chinese Tycoon Holed Up in Manhattan Hotel Is Accused of Spying for Beijing," which was clearly prompted by the salacious allegations

¹ The Counterclaim also contains a slew of other irrelevant allegations about other non-parties, such as Steve Bannon. Counterclaim ¶¶ 7, 11, 15, 60, 79, 80, 81, 84, 85, 86.

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concerning Mr. Guo in the Counterclaim. Lest there be any doubt as to the improper agenda underlying Strategic Vision's Counterclaim, its attorney, Mr. Edward Greim, told reporters, "**Our goal is not only to hold Guo Wengui and his network accountable** but also to protect supporters of a free China from further injury." (emphasis added). Of course, by abandoning all of its claims against Guo, Strategic Vision is decidedly not seeking any legitimate relief against Guo. Strategic Vision is instead using its Counterclaim in this breach of contract case as a vehicle to inflict damage upon Mr. Guo via negative press.

Strategic Vision's publicity stunt of a Counterclaim unfairly burdens the Court and Eastern Profit with parsing 34 pages about Guo's alleged and irrelevant personal history. Worse yet, it is a brazen abuse of this Court as a public forum, in that it seeks to use a pleading as a press release against a non-party rather than as a document of legal claims against an actual party. Such blatantly improper tactics should not be countenanced by this Court.

While Eastern Profit is loath to burden the Court with additional motion practice, the prejudice occasioned by the Counterclaim demand this avenue of recourse. Accordingly, Eastern Profit seeks leave to have Strategic Vision's Counterclaim stricken and looks forward to discussing same at a pre-motion conference. Alternatively, the Court should sua sponte strike Strategic Vision's Counterclaim for the reasons stated herein.

Respectfully submitted,

Eastern Profit Corporation Limited

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